

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Enoch Sowah	Team: Squad #1	CCRB Case #: 201905760	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 06/30/2019 2:59 AM	Location of Incident: Atlantic and Rochester Avenues	Precinct: 73	18 Mo. SOL 12/30/2020	EO SOL 8/16/2021	
Date/Time CV Reported Mon, 07/01/2019 4:53 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 07/01/2019 4:53 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. LSA Michael Raso	00000	933235	SRG
2. DTS Brandon Ravelo	4551	948409	SRG
3. DTS Robert Altieri	5519	949994	SRG

Officer(s)	Allegation	Investigator Recommendation
A.LSA Michael Raso	Abuse: Lieutenant Michael Raso stopped the vehicle in which § 87(2)(b) was an occupant.	
B.LSA Michael Raso	Abuse: Lieutenant Michael Raso frisked § 87(2)(b)	
C.LSA Michael Raso	Abuse: Lieutenant Michael Raso searched § 87(2)(b)	
D.DTS Robert Altieri	Abuse: Detective Robert Altieri frisked § 87(2)(b)	
E.DTS Robert Altieri	Abuse: Detective Robert Altieri threatened to issue summons to § 87(2)(b)	
F.DTS Brandon Ravelo	Abuse: Detective Brandon Ravelo searched the vehicle in which § 87(2)(b) and individuals were occupants.	
G.LSA Michael Raso	Force: Lieutenant Michael Raso used physical force against § 87(2)(b)	
H.DTS Brandon Ravelo	Abuse: Detective Brandon Ravelo threatened to arrest § 87(2)(b)	
I.LSA Michael Raso	Abuse: Lieutenant Michael Raso questioned § 87(2)(b)	
J.DTS Brandon Ravelo	Abuse: Detective Brandon Ravelo threatened to arrest § 87(2)(b)	
K.LSA Michael Raso	Discourtesy: Lieutenant Michael Raso acted discourteously toward § 87(2)(b)	

### Case Summary

On July 1, 2019, § 87(2)(b) called the CCRB and filed this complaint on behalf of himself, his friends, § 87(2)(b) and two unidentified individuals.

On June 30, 2019, at approximately 2:58 a.m., in the vicinity of Atlantic and Rochester Avenues in Brooklyn, Lieutenant Michael Raso, Detectives Brandon Ravelo and Robert Altieri of the Strategic Response Group stopped the vehicle in which § 87(2)(b)

and two unidentified women were occupants (**Allegation A: Abuse of Authority, § 87(2)(g)**). Lt. Raso frisked and searched § 87(2)(b) (**Allegations B and C: Abuse of Authority, § 87(2)(g)**). Det. Altieri frisked § 87(2)(b) (**Allegation D: Abuse of Authority, § 87(2)(g)**), and threatened to issue him a summons (**Allegation E: Abuse of Authority, § 87(2)(g)**). Det. Ravelo searched § 87(2)(b)'s vehicle (**Allegation F: Abuse of Authority, § 87(2)(g)**). Lt. Raso used physical force against § 87(2)(b) (**Allegation G: Force, § 87(2)(g)**). Det. Ravelo threatened to arrest § 87(2)(b) (**Allegation H: Abuse of Authority, § 87(2)(g)**). Lt. Raso questioned § 87(2)(b) (**Allegation I: Abuse of Authority, § 87(2)(g)**). Det. Ravelo threatened to arrest § 87(2)(b) (**Allegation J: Abuse of Authority, § 87(2)(g)**). Lt. Raso acted discourteously towards § 87(2)(b) (**Allegation K: Discourtesy, § 87(2)(g)**).

No arrest or summonses resulted from this incident.

Cell phone and police body-worn camera (BWC) footage were received for this incident (Board Review 01 – Board Review 04).

### Findings and Recommendations

**Allegation (A) Abuse of Authority: Lieutenant Michael Raso stopped the vehicle in which § 87(2)(b) was an occupant.**

**Allegation (E) Abuse of Authority: Detective Robert Altieri threatened to issue summons to § 87(2)(b)**

It is undisputed that Lt. Raso stopped the vehicle that § 87(2)(b) was driving, for allegedly speeding. Det. Altieri told § 87(2)(b) that he would receive a summons for speeding. § 87(2)(b) (Board Review 05) denied speeding, and said he was driving within the speed limit of 25 miles per hour (MPH). § 87(2)(b) did not know the names and contact information for the two unidentified women who were in his vehicle. The investigation was thus unable to identify them and obtain statements.

§ 87(2)(b) (Board Review 06) elected not to participate in this complaint, and § 87(2)(b) was uncooperative with the investigation (Board Review 07).

Lt. Raso, Det. Altieri, and Det. Ravelo recorded the entire incident on their Axon BWCs. The time stamp of the VLC video player is referenced in this report.

Lt. Raso's BWC (Board Review 02) shows Det. Altieri and Lt. Raso approaching § 87(2)(b)'s driver's side, while Det. Ravelo approaches the front passenger's side. § 87(2)(b) and § 87(2)(b) identified via investigation, are in the driver's and front passenger's seats, respectively. § 87(2)(b) identified via investigation, and two unidentified women are in the rear passengers' seats. At 02:25, Det. Altieri orders § 87(2)(b) out of the vehicle and escorts him to the trunk. At 02:38, Det. Altieri says to § 87(2)(b) "This is what is going to happen I'll give you your speeding tickets and you will be [sic]." Lt. Raso tells § 87(2)(b) that he was pulled over for speeding. At 03:30, § 87(2)(b) and Lt. Raso argue over whether § 87(2)(b) was driving over the speed limit of 25 MPH. § 87(2)(b) repeatedly denies speeding. At 03:43, Det.

Altieri, says to § 87(2)(b) “Listen, we are going to resolve this by giving you a ticket.” At 16:38, § 87(2)(b) says to § 87(2)(b) “They pulled us over because you were speeding, and you [were] speeding, to be honest.”

Lt. Raso’s testimony (Board Review 08) was consistent with the BWC footage. Lt. Raso acknowledged that while none of the officers had a radar gun to test the exact speed § 87(2)(b) was driving, he observed § 87(2)(b)’s vehicle slightly tilt to the side when § 87(2)(b) made a sharp turn onto Rochester Avenue, and said there was no way § 87(2)(b)’s vehicle would have tilted had he been driving at 25 MPH. Lt. Raso made the decision to stop § 87(2)(b) and said he ultimately utilized his discretion not to issue § 87(2)(b) a summons because it appeared to him that § 87(2)(b) was having a bad night, and thus did not want to ruin § 87(2)(b)’s night any further.

When maximum speed limits have been established, no person shall drive in excess of such maximum speed limits at any time. New York State Vehicle and Traffic Law, § 1180 (d) 1 (Board Review 10).

§ 87(2)(g)

**Allegation (B) Abuse of Authority: Lieutenant Michael Raso frisked § 87(2)(b)**  
**Allegation (C) Abuse of Authority: Lieutenant Michael Raso searched § 87(2)(b)**  
**Allegation (D) Abuse of Authority: Detective Robert Altieri frisked § 87(2)(b)**  
**Allegation (F) Abuse of Authority: Detective Brandon Ravelo searched the vehicle in which § 87(2)(b) and individuals were occupants.**

§ 87(2)(b) said Lt. Raso frisked § 87(2)(b) because Lt. Raso thought § 87(2)(b) had something on his person, and that his vehicle was searched because the officers said the vehicle smelled of marijuana. § 87(2)(b) denied that his vehicle smelled of marijuana, and did not recall if he was patted down.

As mentioned above, § 87(2)(b) elected not to participate in this complaint.

Lt. Raso’s BWC shows him at 01:06, asking § 87(2)(b) where he and the other occupants were coming from. § 87(2)(b) does not respond and looks straight ahead. At 01:19, Lt. Raso opens the rear door, says to § 87(2)(b) “If you smoked a little weed, that’s fine,” and escorts § 87(2)(b) out of the vehicle. At 01:34, Lt. Raso frisks § 87(2)(b) on his lower body and asks him if he had a cell phone. At 02:03, Lt. Raso asks § 87(2)(b) if he and the other occupants had smoked marijuana. § 87(2)(b) replies, “Nah, just me.” Lt. Raso tells § 87(2)(b) that the entire vehicle smells of marijuana. At 05:15, Lt. Raso tells § 87(2)(b)

and the two unidentified women, who are all standing by the trunk of § 87(2)(b)’s vehicle, that the vehicle is being searched because it reeks of marijuana. At 05:17, Det. Ravelo appears to exit from the rear passenger’s side of the vehicle.

Det. Altieri's BWC (Board Review 03) shows him at 00:19, grab § 87(2)(b)'s right front shorts pocket prior to escorting him to the vehicle's trunk.

Det. Ravelo's BWC (Board Review 04) shows him at 02:22 and 03:28, entering § 87(2)(b)'s vehicle's front and rear passenger sides, respectively, and searching the consoles, glove compartment, underneath the seats, and inside bags that are on the seats and on the floor. At 06:49, Det. Ravelo recovers a bottle of alcohol from underneath the driver's seat. The seal of the bottle appears to be broken and the content not full. At 07:48, Det. Ravelo searches the trunk. At 11:20, § 87(2)(b) argues with the officers that his vehicle did not smell of marijuana.

Lt. Raso said the officers detected the marijuana odor immediately as they approached the vehicle, and that was the primary reason why § 87(2)(b) and § 87(2)(b)'s vehicle were searched. Lt. Raso also said that his observation of a bulge in § 87(2)(b)'s pants factored into his decision to frisk § 87(2)(b). Lt. Raso, however, could not describe the bulge, except that it looked like a weapon, but ended up being § 87(2)(b)'s cell phone. Lt. Raso also acknowledged searching § 87(2)(b) for marijuana. Lt. Raso prepared a UF 250 report pertaining to § 87(2)(b) that was consistent with his testimony (Board Review 09).

The smell of marijuana is sufficient to provide officers with probable cause to search an automobile and its occupants, People v. Chestnut, 43 A.D 2d. 260 (1974) (Board Review 12).

§ 87(2)(g)  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Allegation (G) Force: Lieutenant Michael Raso used physical force against § 87(2)(b)**

**Allegation (H) Abuse of Authority: Detective Brandon Ravelo threatened to arrest § 87(2)(b)**

**Allegation (I) Abuse of Authority: Lieutenant Michael Raso questioned § 87(2)(b)**

§ 87(2)(b) said that while at the rear of his car, he stood facing away from the trunk with most of his weight distributed on one leg. He then shifted his weight to his other leg, at which point an officer, identified by the investigation as Lt. Raso, pushed him somewhere on his body, causing him to be slammed against the trunk.

Lt. Raso's BWC at 05:22, shows § 87(2)(b) attempting to walk away from his vehicle while Lt. Raso spoke to him. Lt. Raso appears to grab § 87(2)(b) though this is not clearly depicted in the video, and pushes § 87(2)(b) on his back towards the trunk. At 05:37, § 87(2)(b) attempts to free himself from Lt. Raso's grasp. Det. Ravelo and Det. Altieri approach and assist Lt. Raso in holding § 87(2)(b) against the trunk, and placing him in handcuffs. At 08:14, Lt. Raso asks § 87(2)(b) if he had been drinking. § 87(2)(b) replies no. At 09:23, Det. Ravelo, who had been leaning into the driver's door, places a bottle on the roof of the car. At 11:26, Det. Ravelo tells § 87(2)(b) and Lt. Raso that he found a bottle of alcohol inside § 87(2)(b)'s vehicle.

Det. Altieri's BWC at 03:25, shows Lt. Raso grabbing § 87(2)(b)'s arm, and pushing § 87(2)(b) on his chest and shoulder approximately three feet towards the vehicle's trunk when § 87(2)(b) attempted to walk away. At 03:26, Lt. Raso hands appears to be on § 87(2)(b)'s

chest and shoulders, and appears to press § 87(2)(b) against the vehicle. At 03:47, one of the unidentified female passengers asks Det. Altieri if she can close the driver's side door. Det. Altieri replies no, but the female passenger appears to walk towards the driver's side door while the officers tried to restrain § 87(2)(b).

Det. Ravelo's BWC shows him at 04:18 exiting § 87(2)(b)'s vehicle, and moving to the trunk to assist Lt. Raso and Det. Altieri in restraining § 87(2)(b). At 04:45, § 87(2)(b) tells an unidentified female passenger, who is inside the driver's seat, to remove the vehicle's keys from the ignition. Det. Ravelo orders the female to exit the vehicle. She complies and appears to throw the vehicle's key to § 87(2)(b). At 05:25, Det. Ravelo orders § 87(2)(b) to give him the vehicle's keys. § 87(2)(b) who is on the phone and asking the person with whom she is speaking to call her a cab, refuses to give the keys to Det. Ravelo. At 05:27, Det. Ravelo says to § 87(2)(b) "Either give me the keys to the car or you gonna go end up in handcuffs just like him. I gave you a lawful order." § 87(2)(b) gives Det. Ravelo the keys. Det. Ravelo unlocks the vehicle with the key and returns to searching the vehicle.

Lt. Raso said the force used against § 87(2)(b) was to prevent him from leaving the scene of a vehicle stop, and that § 87(2)(b) was handcuffed to ensure the safety of everyone on scene. § 87(2)(b) and § 87(2)(b) although never informed or considered under arrest, could have been arrested for obstruction of governmental administration (OGA), and refusal to comply with lawful orders. Lt. Raso said § 87(2)(b)'s decision to walk away from the vehicle caused the officers to take their attentions away from the other occupants, which consequently led to one of the female passengers entering the vehicle and removing the key from the ignition. § 87(2)(b)'s actions and § 87(2)(b)'s refusal to return the vehicle's key impeded and interfered with the officers' ability to investigate the odor of marijuana emanating from the vehicle. Lt. Raso did not recall suspecting § 87(2)(b) of being under the influence of alcohol, nor did he recall smelling alcohol on § 87(2)(b)'s breathe, but said § 87(2)(b)'s combative and agitative behavior might have caused him to assume that § 87(2)(b) had possibly consumed alcohol.

NYPD Patrol Guide Procedure 221-01, permits officers to use force when it is reasonable to ensure their safety or a third person, and to gain compliance and prevent escape from custody (Board Review 13).

A person is guilty of obstructing governmental administration when he intentionally obstructs, impairs, or prevent he administration of law or other governmental function or attempts to prevent a public servant from performing an official function. New York Penal Law § 195.05 (Board Review 14).

An officer must have founded suspicion in order to conduct a common law right of inquiry, including asking civilians accusatory questions. Officers can establish founded suspicion based on observable conduct and reliable hearsay information. People v. DeBour, 40 N.Y. 2d 210 (1976) (Board Review 23).

§ 87(2)(g)

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

**Allegation (J) Abuse of Authority: Detective Brandon Ravelo threatened to arrest** § 87(2)(b)

[REDACTED]

§ 87(2)(b) alleged that at some point after being placed in the police vehicle, one of the officers, who he did not recall, told him he was being taken to Central Booking.

Det. Ravelo's BWC (Board Review 04) depicts Det. Ravelo leading § 87(2)(b) to the back of their police vehicle after a prolonged argument between § 87(2)(b) and Lt. Raso regarding every aspect of the stop (whether § 87(2)(b) was speeding, whether his vehicle smelled like marijuana, whether the officers needed consent to search his vehicle). At 12:33, Det. Ravelo tells § 87(2)(b) that he is going to end up going to bookings and explains to him that he is not listening, is wrong, and if fighting the boss for no reason.

An officer is authorized to issue a summons instead of arresting the violator of a Vehicle and Traffic Law. Patrol Guide Procedure, 209-01 (Board Review 24).

§ 87(2)(g)

[REDACTED]

**Allegation (K): Discourtesy: Lieutenant Michael Raso acted discourteously towards**

§ 87(2)(b)

§ 87(2)(b) alleged Lt. Raso pushed his business card against the center of § 87(2)(b)'s chest.

Lt. Raso's BWC (Board Review 2) shows him at 19:48, showing § 87(2)(b) his business card and saying to § 87(2)(b) "Here man, here's my business card." At 19:50, § 87(2)(b) appears to open his palm to take the card, but Lt. Raso switches the card to his other hand, slaps the card on § 87(2)(b)'s chest, and tells § 87(2)(b) to have a good night.

Lt. Raso initially did not recall pushing his business card against the center of § 87(2)(b)'s chest, but acknowledged doing so after reviewing the BWC, and said he did so because § 87(2)(b) had refused to take the business card when he offered it to § 87(2)(b).

NYPD Patrol Guide Procedure 203-09, states that officers must be courteous and respectful when interacting with members of the public (Board Review 15).

§ 87(2)(g)

### **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) and § 87(2)(b) have been parties (Board Review 16 – Board Review 18).
- Lt. Raso has been a member of service for 16 years and has been a subject in 18 CCRB complaints and 58 allegations, of which 11 were substantiated:
  - Case #200801117 involved a substantiated stop of a person and gun pointed allegations. The Board recommended command discipline. The NYPD imposed instructions.
  - Case #200902991 involved a substantiated vehicle stop allegation. The Board recommended charges. The NYPD imposed instructions.
  - Case #201106779 involved a substantiated vehicle stop allegation. The Board recommended charges. The NYPD took no disciplinary action due to statute of limitations.
  - Case #201408512 involved substantiated property damage, premises entered and searched allegations. The Board and the NYPD both recommended and imposed formalized training.
  - Case #201502152 involved substantiated vehicle search and frisk of a person allegations. The Board recommended charges. The NYPD imposed no discipline.
  - Case #201505414 involved substantiated premises entered and searched, and property damage allegations. The Board recommended charges. The NYPD imposed no discipline.
  - § 87(2)(g)
- Det. Ravelo has been a member of service for 10 years and has been a subject in 15 CCRB complaints and 44 allegations, none of which were substantiated, § 87(2)(g)
- Det. Altieri has been a member of service for eight years and has been a subject one CCRB complaint and two allegations, none of which were substantiated, § 87(2)(g)

### **Mediation, Civil and Criminal Histories**

- § 87(2)(b) declined to mediate this complaint.
- As of December 6, 2019, the New York City Office of the Comptroller had no record of a Notice of Claim being filed in regards this to complaint (Board Review 19).
- § 87(2)(b)

- According to OCA, § 87(2)(b) and § 87(2)(b) have no history of convictions in New York City (Board Review 21 – Board review 22).

---

Squad No.: \_\_\_\_\_

Investigator: \_\_\_\_\_  
Signature Print Title & Name Date

Squad Leader: \_\_\_\_\_  
Signature Print Title & Name Date

Reviewer: \_\_\_\_\_  
Signature Print Title & Name Date